

117TH CONGRESS  
2D SESSION

# H. R. 7959

To amend the National Voter Registration Act of 1993 to clarify the authority of States to remove noncitizens from voting rolls and to require States to maintain separate voter registration lists for noncitizens, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 7, 2022

Mr. RODNEY DAVIS of Illinois introduced the following bill; which was referred to the Committee on House Administration, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend the National Voter Registration Act of 1993 to clarify the authority of States to remove noncitizens from voting rolls and to require States to maintain separate voter registration lists for noncitizens, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-  
2 tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Noncitizens: Outlawed  
5 from Voting in Our Trusted Elections Act of 2022” or  
6 the “NO VOTE for Noncitizens Act of 2022”.

1   **SEC. 2. FINDINGS; SENSE OF CONGRESS.**

2       (a) FINDINGS.—Congress finds the following:

3               (1) Every eligible person who wishes to cast a  
4               ballot in a Federal election must be permitted to do  
5               so according to law, and their ballot must be exam-  
6               ined according to law, and, if it meets all lawful re-  
7               quirements, counted.

8               (2) Congress has long required States to main-  
9               tain Federal voter registration lists in a manner that  
10              promotes voter confidence.

11              (3) The changes included herein are not in-  
12              tended to be an expansion of Federal power but  
13              rather a clarification of State authority.

14              (4) The Fifteenth Amendment, the Nineteenth  
15              Amendment, the Twenty-Fourth Amendment, and  
16              the Twenty-Sixth Amendment, among other ref-  
17              erences, make clear that the Constitution prohibits  
18              voting by noncitizens in Federal elections.

19              (5) Congress has the constitutional authority,  
20              including under the aforementioned amendments, to  
21              pass statutes preventing noncitizens from voting in  
22              Federal elections, and did so with the Illegal Immi-  
23              gration Reform and Immigrant Responsibility Act of  
24              1996.

25              (6) Congress may further exercise its constitu-  
26              tional authority to ensure the Constitution's prohibi-

1       tion on noncitizen voting in Federal elections is  
2       upheld.

3                     (7) Since the Constitution prohibits noncitizens  
4       from voting in Federal elections, such ineligible per-  
5       sons must not be permitted to be placed on Federal  
6       voter registration lists.

7                     (8) Improper placement of an ineligible noncit-  
8       izen on a Federal voter registration list leads to—

9                         (A) confusion on the part of the ineligible  
10      person with respect to their ineligibility to cast  
11      a ballot; and

12                         (B) an increased likelihood that human  
13      error will permit ineligible persons to cast bal-  
14      lots in Federal elections.

15                     (9) State officials have confirmed that poorly  
16      maintained voter registration lists lead to ineligible  
17      persons casting ballots in Federal elections.

18                     (10) A former Broward County, Florida, elec-  
19      tions supervisor has confirmed that ineligible non-  
20      voters were able to cast ballots in previous elections  
21      and that she was not able to locate as many as  
22      2,040 ballots during the 2018 midterm recount.

23                     (11) This clarification of State authority to  
24      maintain Federal voter registration lists to ensure  
25      noncitizens are not included on such lists will pro-

1       mote voter confidence in election processes and out-  
2       comes.

3                 (12) Congress has the authority to ensure that  
4       no Federal elections funding is used to support  
5       States that permit noncitizens to cast ballots in any  
6       election.

7                 (13) Federal courts and executive agencies have  
8       much of the information States may need to main-  
9       tain their Federal voter registration lists, and those  
10      entities should make that information accessible to  
11      State election authorities.

12                 (14) It is important to clarify the penalty for  
13       any violation of law that allows a noncitizen to cast  
14       a ballot in a Federal election.

15                 (15) To protect the confidence of voters in Fed-  
16       eral elections, it is important to implement the policy  
17       described herein.

18                 (b) SENSE OF CONGRESS.—It is the sense of Con-  
19       gress that—

20                 (1) allowing noncitizens to cast ballots in Amer-  
21       ican elections weakens our electoral system and the  
22       value of citizenship and sows distrust in our elec-  
23       tions system;

1                         (2) even if a State has the sovereign authority,  
2                         no State should permit noncitizens to cast ballots in  
3                         State or local elections;

4                         (3) States should use all information available  
5                         to them to maintain Federal voter registration lists  
6                         and should inform Congress if such data is insuffi-  
7                         cient; and

8                         (4) Congress may take further action in the fu-  
9                         ture to address this problem.

10 **SEC. 3. PROMOTING EFFECTIVE MAINTENANCE OF VOTER  
11                         REGISTRATION LISTS.**

12                         (a) CLARIFYING AUTHORITY OF STATES TO REMOVE  
13                         NONCITIZENS FROM VOTING ROLLS.—

14                         (1) AUTHORITY UNDER REGULAR REMOVAL  
15                         PROGRAMS.—Section 8(a)(4) of the National Voter  
16                         Registration Act of 1993 (52 U.S.C. 20507(a)(4)) is  
17                         amended—

18                         (A) by striking “or” at the end of subpara-  
19                         graph (A);

20                         (B) by redesignating subparagraph (B) as  
21                         subparagraph (C); and

22                         (C) by inserting after subparagraph (A)  
23                         the following new subparagraph:

24                         “(B) the registrant’s status as a noncitizen  
25                         of the United States; or”.

1                             (2) CONFORMING AMENDMENT RELATING TO  
2                             ONGOING REMOVAL.—Section 8(c)(2)(B)(i) of such  
3                             Act (52 U.S.C. 20507(c)(2)(B)(i)) is amended by  
4                             striking “(4)(A)” and inserting “(4)(A) or (B)”.

5                             (b) REQUIREMENT TO MAINTAIN SEPARATE STATE  
6                             VOTER REGISTRATION LIST FOR NONCITIZENS.—Section  
7                             8(a) of the National Voter Registration Act of 1993 (52  
8                             U.S.C. 20507(a)) is amended—

9                                 (1) in paragraph (5)(B), by striking “and” at  
10                             the end;

11                                 (2) in paragraph (6), by striking the period at  
12                             the end and inserting “; and”; and

13                                 (3) by adding at the end the following new  
14                             paragraph:

15                                 “(7) in the case of a State that allows individ-  
16                             uals who are not citizens of the United States to  
17                             vote in elections for public office in the State or any  
18                             local jurisdiction of the State, ensure that the name  
19                             of any registrant who is not a citizen of the United  
20                             States is maintained on a voter registration list that  
21                             is separate from the official list of eligible voters  
22                             with respect to registrants who are citizens of the  
23                             United States.”.

24                             (c) REQUIREMENTS FOR BALLOTS FOR STATE OR  
25                             LOCAL JURISDICTIONS THAT ALLOW NONCITIZEN VOT-

1 ING.—Section 301(a)(1) of the Help America Vote Act of  
2 2002 (52 U.S.C. 21081(a)(1)) is amended by adding at  
3 the end the following new subparagraph:

4                 “(D) In the case of a State or local juris-  
5 diction that allows individuals who are not citi-  
6 zens of the United States to vote in elections  
7 for public office in the State or local jurisdic-  
8 tion, the ballot used for the casting of votes by  
9 a noncitizen in such State or local jurisdiction  
10 may only include the candidates for the elec-  
11 tions for public office in the State or local juris-  
12 diction for which the noncitizen is permitted to  
13 vote.”.

14 (d) REDUCTION IN PAYMENTS FOR ELECTION AD-  
15 MINISTRATION TO STATES OR LOCAL JURISDICTIONS  
16 THAT ALLOW NONCITIZEN VOTING.—

17 (1) IN GENERAL.—Title IX of the Help Amer-  
18 ica Vote Act of 2002 (52 U.S.C. 21141 et seq.) is  
19 amended by adding at the end the following new sec-  
20 tion:

21 “**SEC. 907. REDUCTION IN PAYMENTS TO STATES OR LOCAL**  
22 **JURISDICTIONS THAT ALLOW NONCITIZEN**  
23 **VOTING.**

24 “Notwithstanding any other provision of this Act, the  
25 amount of a payment under this Act to any State or local

1 jurisdiction that allows individuals who are not citizens of  
2 the United States to vote in elections for public office in  
3 the State or local jurisdiction shall be reduced by 30 per-  
4 cent.”.

5                   (2) CLERICAL AMENDMENT.—The table of con-  
6                   tents of such Act is amended by adding at the end  
7                   the following new item:

“Sec. 907. Reduction in payments to States or local jurisdictions that allow noncitizen voting.”.

8                   (e) ENSURING PROVISION OF INFORMATION TO  
9 STATE ELECTION OFFICIALS ON INDIVIDUALS RECUSED  
10 FROM JURY SERVICE ON GROUNDS OF NONCITIZEN-  
11 SHIP.—

12                   (1) REQUIRING STATE ELECTION OFFICIALS TO  
13 COORDINATE INFORMATION ON RECUSAL AS PART  
14 OF MAINTENANCE OF STATEWIDE VOTER REGIS-  
15 TRATION LIST.—Subparagraph (A) of section 303(a)(2)  
16 of the Help America Vote Act of 2002 (52 U.S.C.  
17 21083(a)(2)) is amended—

18                   (A) by redesignating clause (iii) as clause  
19 (iv); and

20                   (B) by inserting after clause (ii) the fol-  
21 lowing new clause:

22                   “(iii) For purposes of removing names  
23 of ineligible voters from the official list of  
24 eligible voters by reason of citizenship sta-

**6 (2) REQUIRING NOTIFICATION BY COURTS.—**

14 (i) to the chief State election official  
15 of the State in which the individual re-  
16 sides; and

17 (ii) to the Attorney General.

1                   of the State's responsibilities under such  
2                   Act; and

3                   (ii) the term "State" means each of  
4                   the several States, the District of Colum-  
5                   bia, the Commonwealth of Puerto Rico,  
6                   American Samoa, Guam, the United States  
7                   Virgin Islands, and the Commonwealth of  
8                   the Northern Mariana Islands.

9                   **SEC. 4. PROHIBITION ON VOTING BY NONCITIZENS IN FED-  
10                   ERAL ELECTIONS.**

11                   (a) IN GENERAL.—Section 12 of the National Voter  
12                   Registration Act of 1993 (52 U.S.C. 20511) is amended—

13                   (1) by striking "A person" and inserting "(a)  
14                   IN GENERAL.—A person"; and

15                   (2) by adding at the end the following new sub-  
16                   section:

17                   **"(b) PROHIBITION ON VOTING BY ALIENS.—**

18                   "(1) IN GENERAL.—It shall be unlawful for any  
19                   alien to vote in any election in violation of section  
20                   611 of title 18, United States Code.

21                   "(2) PENALTIES.—Any person who violates this  
22                   subsection shall be fined under title 18, United  
23                   States Code, imprisoned not more than one year, or  
24                   both."

1       (b) EFFECTIVE DATE.—This section and the amend-  
2 ments made by this section shall apply with respect to  
3 elections held on or after the date of the enactment of  
4 this Act.

